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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,485	01/21/2004	Takashi Komura	01-526	9808

23400 7590 02/28/2005

POSZ & BETHARDS, PLC  
11250 ROGER BACON DRIVE  
SUITE 10  
RESTON, VA 20190

EXAMINER
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FRANK, RODNEY T

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/760,485	KOMURA, TAKASHI 	
	Examiner	Art Unit	
	Rodney T. Frank	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/21/04</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document Number 03-004218. This document discloses a control circuit for controlling a meter.

In reference to claim 1, the reference teaches the claimed meter. Though the reference does not implicitly disclose an indication part, per se, all meters are used to indicate something and all meters have to have an "indicating part" in order to work, so this limitation is deemed to be disclosed as it would be obvious to one of ordinary skill for a meter to have some form of indicating part. The reference discloses the use of a controller, thus disclosing a control part. The reference discloses the use of a memory for memorizing a plurality of characteristics of the meter, which would indicate the ability for the device to remember multiple entries from the meter. Though the reference does not specifically disclose the use of deviation data specifically, since a meter can measure deviations in data, in and of itself, then this limitation would be obvious to one of ordinary skill in the art since most meters are used to measure some data over some period of time and therefore a "deviation" in the data would naturally occur. In order to

Art Unit: 2856

utilize that data, it would be obvious for one of ordinary skill in the art to manipulate the data and compile it into some form that is useful to a user. .

In reference to claim 2, though the use of a needle and dial/scale plate type meter is not disclosed, the examiner feels that this type of indicator is very well known within the art and the use of such a pointer/dial meter as an indication meter (on a dashboard of a car for example) for the device of claim 1 would have been obvious to one of ordinary skill in the art at the time of the invention.

In reference to claims 3 and 4, though the specific type of memory used is not explicitly disclosed in the reference, the examiner feels that the types of memory claimed are well established in the art and the use of such memory types would be obvious to one of ordinary skill in the art since it is well established that an IC chip, for example, is a commonly used and reliable form of memory for various circuit applications.

In reference to claim 5, though the use of multiple pointer type meters is not specifically disclosed, the examiner feels that if the use of a single indicator meter is known, then the implementation for multiple meters of the same type would be obvious as well. Again the example of the dashboard of a car, where multiple pointer type indicators are used to indicate various pieces of information, comes to mind.

In reference to claim 6, though there is no casing explicitly disclosed in the reference, the use of a casing for a meter arrangement, most indicator type devices are contained in some form of housing and therefore, this limitation is deemed to be obvious

Art Unit: 2856

to one of ordinary skill in the art at the time of the invention since a sensor is usually housed in some sort of casing prior to use

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner has cited references that are deemed relevant to the general state of the art of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (571) 272-2193. The examiner can normally be reached on M-F 9-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTF

Application/Control Number: 10/760,485

Page 5

Art Unit: 2856

February 22, 2005

A handwritten signature in black ink, appearing to read "Hezron S. Williams", with a long horizontal flourish extending to the right.

HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800